

September 28, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **S89P0010**
Proposed Ordinance No. **98-493**

STERLINGWOOD
Preliminary Plat Application

Location: Lying immediately west of the Sahalee Golf and Country Club residential development (along both sides of 205th Place Northeast) and between the Plats of Timberline Ridge and Shannonwood to the north and south, respectively

Applicant: Chaffey Corporation, *represented by* **David Halinen**, Attorney At Law
10500 NE 8th #1900, Bellevue, WA 98004

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	February 21, 1989
Notice of complete application:	February 21, 1989

EXAMINER PROCEEDINGS:

Hearing Opened:	September 3, 1998
Hearing Closed:	September 3, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.
ISSUES ADDRESSED:

- Buffers
- Sight distance
- Traffic safety
- Trees
- Vesting
- Wildlife corridors
- Wildlife habitat
- Windthrow

FINDINGS, CONCLUSIONS AND DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information.

Owner/Developer: Chaffey Corporation, 205 Lake Street South #101, Kirkland, WA 98033
 Engineer: Triad Associates, 11814 – 115th Avenue NE, Kirkland, WA 98034
 Location: Lying immediately west of the Sahalee Golf and Country Club residential development (along both sides of 205th Place Northeast) and between the Plats of Timberline Ridge and Shannonwood to the north and south, respectively
 STR: 29-25-06
 Zoning: RS 15,000 (plat submittal); current zoning is R-4 SO (residential 4 units per acre with special limitations)
 Acreage: 27.86
 Number of Lots: 76 lots
 Density: 2.7 units per acre
 Typical Lot Size: Ranges from approximately 6,600 to 13,000 square feet
 Proposed Use: Single-family detached
 Sewage Disposal: Northeast Sammamish Water and Sewer
 Water Supply: Northeast Sammamish Water and Sewer
 Fire District: King County District #34 (Redmond)
 School District: Lake Washington School District
 Complete Application Date: February 21, 1989

- 2. Proposal.** Chaffey Corporation (the “Applicant”), represented by David Halinen (attorney) and Triad Associates (engineers and consultants) proposes to subdivide a 27.86-acre parcel into 76 single-family residential building lots. With lot sizes ranging from approximately 6,600 square feet to 13,000 square feet, the proposed density will be 2.7 dwelling units per acre—within the density limit imposed by the R-4 zoning classification in effect at the time of application. The preliminary plat drawing is incorporated in this hearing record as exhibit no. 7 and as attachment no. 1 of the preliminary report to the Hearing Examiner dated September 3, 1998 (exhibit no. 2) presented by the Department of Development and Environmental Services (the “Department” or “DDES”).
- 3. SEPA.** On June 9, 1998 the Department published its threshold determination of nonsignificance—a determination that an environmental impact statement should not be required if certain mitigating measures were accomplished by the development. The environmental review of the Sterlingwood

Development proposal incorporated by reference (pursuant to WAC 197-11-635) the published environmental impact statement and supporting documents for the adjacent “Timberline Ridge” subdivision (published in December 1989, September 1990, and August 1992).

The MDNS establishes several mitigating measures regarding geologic sensitivity, earth movement and erosion control, wetlands protection, traffic impacts, construction noise, drainage (particularly downstream impacts), water quality and vegetation protection. These environmental mitigation measures and protective controls are listed on pages 2 through 4 of the Department’s preliminary report (exhibit no. 2). Further, they are incorporated in the Department’s final recommendation to the Examiner on pages 12 through 15 of that same report.

4. Department Report Errata. The Department changes its preliminary report to the Hearing Examiner (exhibit no. 2) with respect to the following:

- A. Zoning. The current zoning is RS 15,000—**NOT** SR 15,000 as indicated on pages 1 and 9 of the Department’s September 3, 1998 preliminary report.
- B. Application (Vesting) Date. The Applicant submitted complete application on February 21, 1989—**NOT** February 15, 1989 as indicated on page 1 of the Department’s September 3, 1998 preliminary report.
- C. King County Road Standards (KCRS). Due to the vesting date indicated above, the Sterlingwood project is subject to the 1987 KCRS—**NOT** the 1979 KCRS as indicated on page 6 of the Department’s September 3, 1998 preliminary report.

5. Final Department Recommendation. The Department recommends granting preliminary approval to the proposed plat of Sterlingwood, subject to the 18 conditions of final plat approval listed on pages 9 through 15 of the Department’s September 3, 1998 preliminary report to the Examiner (exhibit no. 2); SUBJECT to the following changes:

- A. Vesting Date. The Department changes recommendation no. 1 in order to require compliance with the platting provisions contained in KCC Title 19 *at the time of complete preliminary plat application*.
- B. KCRS Applicability. The Department accepts a recommendation from the Applicant which clarifies that the 1987 KCRS apply in this case; and, that KCRS variance review procedures and standards apply also.
- C. Open Space Regulation Vesting. The Department agrees that recommended condition no. 12, applying open space standards, should be clarified by noting that the provisions of KCC 19.38 will apply in this case as “in effect on the February 21, 1989 preliminary plat application date.”
- D. Lot Area Requirements; Vesting. Likewise, the Department agrees that recommended condition no. 13 should be amended to assure that the lot area provision of KCC 21.08.080 in effect on February 21, 1989 are applied in this case. NOTE: This amendment recognizes the applicability of KCC Title 21, not the more recently adopted KCC Title

21A—due to the early vesting date of Sterlingwood.

- E. Floodplain Analysis. As contained in the Department’s preliminary report, recommended condition no. 7.g asks for a floodplain analysis to be performed, with the 100-year floodplain boundaries to be indicated on the final engineering plans and recorded plat. The Applicant has suggested deleting this requirement, based upon analysis already prepared. The Department, concerned that deleting reference to floodplain boundary analysis in the final plat conditions could be misconstrued, nonetheless agrees to accept the Applicant’s alternative proposal to set aside as a protected one-year floodplain (as well as wetland and buffer area) all of that area which lies below that elevation which is two feet above the wetland outfall elevation.
 - F. Sight Distance; Access to (Proposed) 205th Place Northeast. The Applicant has submitted an additional road variance request (file no. L98V0101). Due to relatively late submittal of this request, the County Road Engineer has not yet responded. However, the Department agrees that a final decision may be postponed and may be achieved administratively regarding the access and configuration of lots to 205th Place Northeast. The Department also agrees to modify recommended condition no. 8.a to indicate that a reduction in the proposed number of lots may be “possible” rather than “necessary.”
6. **Applicant’s Position.** The Applicant accepts the Department’s final recommendation as described in finding no. 5, preceding, *except* that the Applicant disagrees with the recommended condition no. 8A language which suggests that revision to the preliminary plat will be mandatory in order to achieve vehicular sight lines at the 205th Place Northeast intersection with (proposed) 207th Place Northeast. The Applicant concedes that it may be “possible” that a reduction in the proposed number of lots will be necessary to comply with KCRS variance conditions, but disagrees with language which tends to predict such an outcome. In any event, the Applicant has agreed to *either* obtain KCRS variance approval from the King County Engineer *or* reconfigure to the extent necessary those lots that are served by 207th Place Northeast.
7. **Neighboring Property Owner Concerns.** Neighboring property owners participating in this public review have expressed concerns regarding the following:
- A. Windthrow. The Sahalee homeowners association and several Sahalee residents express concern regarding the potential windthrow impact upon existing Sahalee residences that abut the east boundary of the Sterlingwood property. When trees are removed from the subject property, the remaining trees on abutting Sahalee properties may be expected to experience greater wind force during storms, thereby potentially increasing the vulnerability of those remaining trees to windstorm damage. These property owners express concern that such occurrences may result in damage to homes, ancillary development and—potentially—the residents themselves. In response, the Applicant Chaffey Corporation commits to preserving all evergreen trees within lots located along the east boundary that are 12 inch caliper or larger. This voluntary Applicant’s agreement would apply to proposed Lot nos. 50 through 52, 62 through 65, and 72 through 75. Proposed Lot nos. 1 and 5 also abut the east boundary of the subject property, but the Applicant has not committed to large tree preservation on those proposed lots. The buffer established by the Timberline development was established pursuant to the voluntary agreement of the developer of that subdivision, not pursuant to County Standard, policy or decision. In this case, however, the subject property is

considerably smaller than the Timberline property. This fact limits the flexibility and design responsiveness available to the Applicant.

- B. Buffer. Those residents living east of the subject property also argue for tree preservation along the east property boundary of the subject property on other grounds—southward extension of an existing treed buffer established by the northerly abutting development, “Timberline.” The residents see this buffer proposal/request as a continuation of an existing community development pattern, a means of mitigating impact upon existing wildlife, a means of providing for wildlife movement, and as a means of screening views. The Applicant’s response to this argument is the same as indicated in finding no. 7.A, preceding—preservation of large evergreen trees within ten feet of any Sahalee property. This commitment by the Applicant comprises a lesser standard than sought by the neighboring residents.

Although buffering and screening is sometimes required when a more intense use (for instance, commercial or industrial) establishes adjacent to a less intense use. However, in this case, the authorized use of both the Sterlingwood property and Sahalee properties is the same: single-family residential.

- C. Traffic. Some neighboring property owners express concern regarding possible traffic impacts from the proposed development. In particular, one nearby property owner questions the workability of limiting turning movements from (proposed) 207th Place Northeast. However, that particular issue must be decided by the King County Road Engineer, not by the Examiner.
8. Except as noted above, the facts and analysis contained in the DDES Preliminary Report dated September 3, 1998, are correct and are incorporated here by reference. A copy of the DDES report will be attached to those copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. The final decision should reflect the Department’s voluntary amendments indicated in finding no. 5, above. These changes generally addressing the date of application and vesting concerns, will clarify which regulations to apply during the review of engineering plans and other final plat requirements.
2. The County Road Engineer will address the Applicant’s variance request regarding (proposed) 207th Place NE (alternately identified in the hearing record as 205th Place NE). Either the street will be reconfigured and lots *possibly* lost, or turning movement controls will be established. Either way, the County Road Engineer will rely upon the public health and safety standards contained in the King County Road Standards. Consequently this issue need not be addressed further here.
3. Likewise, the Department’s acceptance of establishing a floodplain boundary which encompasses *all land below that elevation which is two feet above the wetland outfall elevation* promises to provide a safe final plat design solution.

4. The Applicant's willingness to preserve trees along the Sahalee property line will provide at least partial, and perhaps satisfactory, mitigation of possible windthrow impacts. The remaining mitigation must be provided by mindful property owners on both sides of the Sterlingwood/Sahalee boundary who attentively remove hazard trees and limbs.
5. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, East Sammamish Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
6. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
7. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
8. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Sterlingwood is GRANTED PRELIMINARY APPROVAL; SUBJECT to the Applicant's voluntary amendment described in finding no. 5, above, and SUBJECT FURTHER to the following conditions of final plat approval.

1. The Applicant shall comply with those platting provision contained in KCC Title 19 which were in effect at the time of preliminary plat application.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The area and dimensions of all lots shall meet the minimum requirements of the RS-15,000 zone classification, or shall be as shown on the approved preliminary plat. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 8041.
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the

adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.

b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

d. Core Requirement No. 1: Discharge at the Natural Location.

The Applicant has received approval for the requested diversion of surface water to convey flows into the existing pipe system within the adjacent plat of Timberline Ridge (See Variance Files S92V0126 and L97V0036). The conditions for variance approval shall be satisfied during design and review of the project engineering plans.

e. Core Requirement No. 3: Runoff Control.

Storm water detention facilities are not required for the project since flows are being conveyed to Lake Sammamish which is designated as a receiving water for direct discharge. As specified in the SEPA mitigation's for this project, storm water from roadways and other developed areas, as determined by DDES, shall be conveyed to the existing off-site tightlines constructed for the Timberline Ridge plat.

f. Special Requirement No. 5: Special Water Quality Controls.

The water quality controls required by the drainage manual will be satisfied by compliance with the sensitive lake protection standards adopted as SEPA

mitigation's for the project.

- g. Special Requirement No. 9: 100-year floodplain.

A class II wetland is located within (proposed) Tract A. The 100-year floodplain boundary shall be shown on the final engineering plans and recorded plat. In lieu of precisely delineating that boundary, the Applicant may identify and use as the 100-year flood plain boundary that topographic elevation which is two feet above the wetland outfall elevation.

8. The proposed subdivision shall comply with the 1987 King County Road Standards (KCRS) including the following requirements:
- a. During preliminary review the Applicant submitted a road variance request (File No. S91V0039), regarding road design and access to (proposed) 205th Place NE (sometimes referred to in the record and this report as 207th Place NE). The final road improvements shall comply with the conditions of variance approval which include requirements for sight distance along 205th Place NE. A revision to the preliminary plat is required to comply with the required vehicular sight lines at several proposed intersections. A final decision regarding compliance with these requirements will be made during final review by DDES and the King County Roads Division. It is possible that a reduction in the proposed number of lots will be necessary to comply with the variance conditions.
 - b. The proposed cul-de-sacs within the project shall be improved as urban minor access streets. Sight distance measurements shall be provided on the final engineering plans to demonstrate compliance with the access requirements onto 205th Place NE.
 - c. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - d. Modifications to the above road conditions may be considered by King County
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. This subdivision application was filed prior to the adoption of King County Code 14.75, Mitigation Payment System (MPS). The Applicant or subsequent owner shall comply with King County Code 14.75 at the time of building permit issuance by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. If the Applicant or subsequent owner elects to pay the MPS fees at the time of final plat recording, the 1991 fee schedule shall be applied and a note placed on the face of the final plat that reads, "All fees required by King County Code 14.75, Mitigated Payment System (MPS), have been paid"; if the Applicant or subsequent owner chooses to defer payment of the MPS fee until building permit issuance, the fee paid shall be the amount in effect as of the date of building permit application.
11. There shall be no direct vehicular access to or from 205th (207th) Place NE from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.

12. Open space provided in the plat shall comply with those provisions of KCC 19.38 which were in effect February 21, 1989. The Applicant shall indicate at the time of engineering plan submittal whether the Applicant intends to satisfy open space requirements by providing “suitable open space” consistent with applicable standards or a “fee-in-lieu of open space.” If a fee-in-lieu is chosen, details shall be worked out with DDES and Parks prior to recording. If open space is provided, an open space plan shall be reviewed and approved by DDES and Parks prior to engineering plan approval.
13. If lot make-up area is required, calculations demonstrating compliance, including the provision of sufficient flat, dry, usable open space, must be submitted prior to approval of the engineering plans. This requirement is separate from and in addition to the open space required in KCC 19.38. This condition no. 13 will be evaluated in accordance with those applicable KCC Title 21 standards in effect on February 21, 1989.
14. A planter island shall be provided within the eyebrows (shown as c-d-s B and C – revision received July 8, 1998).
15. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
16. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 205th (207th) Place Northeast. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with the King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.

- g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if 205th (207th) Place Northeast is on a bus route. If 205th (207th) Place NE is on a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

17. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

18. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The Applicants shall demonstrate compliance with these items prior to final approval.

- 1. Geologic (SAO)

Provide a 50-foot buffer and a 15-foot building setback line (BSBL) from the surveyed prominent bank of the 40% steep slopes on the west and southwestern boundaries of the proposal. This 50-foot buffer can be reduced to 25 feet subject to approval of the DDES geologist. The approved buffer shall be located within a sensitive area tract and shown with the BSBL on the engineering plans and final recorded plat.

2. Earth (EIS, SAO, KCC 9.08)
 - a. Clearing and grading for roads, utilities and drainage facilities shall be limited to the period between April 1 and October 1 unless otherwise approved by DDES.
 - b. The Applicant shall provide daily monitoring of the site during plat development construction by an independent, third party expert/inspector. The Applicant is responsible for any implementation of the expert's/inspector's specific recommendations subject to DDES review and approval.
 - c. Individual building permits are required to submit erosion control plans to address construction and clearing of lot areas. The recorded plat shall contain notes to implement this requirement.
3. Wetlands (SAO)
 - a. The Class 2 wetland shall have a minimum 50-foot buffer of undisturbed native vegetation and a 15-foot building setback line from the edge of the buffer. Buffer averaging may be used where the road improvements encroach into the wetland buffer, if it will provided additional resource protection to the wetland or enhance its functions, and as long as the total area contained in the wetland buffer on this site does not decrease. The wetland and its buffer shall be placed in a separate Sensitive Areas Tract.
 - b. Prior to commencing construction activities on the site, the Applicant shall mark sensitive areas in a highly visible manner, and these areas shall remain so marked until all development proposal activities in the vicinity of the sensitive area are completed.
 - c. Prior to final approval of construction activities on the site, the boundaries between a sensitive area tract and adjacent land shall be identified using permanent signs. Sign specifications shall be supplied by DDES, and shown on the engineering plans.
 - d. Prior to recording of the final plat, permanent survey stakes shall be set, delineating the boundary between the sensitive areas tracts and adjacent land.

4. Traffic (KC Road Standards):

To offset direct impact at the intersection of 216th Avenue NE/Inglewood Hill Road the Applicant has the option to:

- a. Pay a pro-rata share towards construction of a signal at this location,
or
- b. Hold final plat approval until a King County project to signalize this intersection is within 12 months of the anticipated award of contract (tentative construction schedule is 1999).

To offset cumulative impacts at the intersections of SR-202/Sahalee and SR-202/Lake Sammamish Parkway the Applicant shall:

Pay a pro-rata share of WSDOT determined intersection improvements.
The cost amount shall be determined prior to preliminary plat approval
and this pro-rata share shall be paid prior to recording of the final plat.

5. Noise (KCC12.86) construction activities

- a. Construction vehicles and equipment are required to have effective exhaust mufflers before working on the site.
- b. Construction hours for the development of the plat shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 8:00 p.m. on Saturday.

6. Drainage (KCC 9.04, 9.08, 9.12)

- a. Site improvement plans shall be designed in accordance with surface water requirements in KCC 9.04 including compliance with the 1990 Surface Water Design Manual (SWDM) and subsequent updates to the manual adopted by public rule.
- b. Field topography shall be provided on the final engineering plans.
- c. Infiltration or dispersion of surface water for roof drains or other impervious surfaces will be allowed only at the discretion of DDES based upon final review of the drainage plans, site conditions, and soils reports.
- d. Storm water from roadways and other developed areas as determined by DDES shall be conveyed to the existing off-site tightlines constructed for the Timberline Ridge plat.

7. Water Quality (KCC 9.04, 9.08, 9.12)

- a. The Applicant is required to provide water quality treatment consistent with the Sensitive Lake Protection standard or a goal of 50% total phosphorous removal. The Applicant's site plan in combination with a

conceptual drainage plan (required prior to preliminary plat approval) that conforms to the criteria listed below satisfies the Sensitive Lake Protection standard requirement.

The Applicant has diverted drainage from a ravine where there is significant erosion. This diversion or credit will prevent 50 tons of soil per year from entering Lake Sammamish and it allows the Applicant to go from the Lake Protection standard two-facility treatment train (Lake Protection Option 3) to a single treatment with a total phosphorous removal goal of 35 percent. The Applicant can choose a "First Basic Water Quality Facility" from the list on Table 6.1.2.A of the Draft Surface Water Design Manual to treat all drainage leaving the site. The chosen facility must meet the design criteria of the February 1996 Draft Surface Water Design Manual and it shall be located on the Sterlingwood site.

- b. The Applicant shall submit a site construction and post construction-monitoring plan for review and approval by DDES. The monitoring shall include inflow and outfall of the treatment facility during the performance bond period, and for up to two years following the 75% build out stage.
 - c. The Applicant shall submit a monitoring plan for the stabilization of the ravine to assure that continued erosion does not occur. This monitoring plan shall include provisions for action levels and corrective action should natural stabilization not be sufficient to control erosion.
8. Plants (EIS) existing vegetation removal
- a. Limit initial clearing to that necessary for road and utility construction.
 - b. The existing vegetation within Tracts A and B shall be retained and protected by designating these areas as Native Growth Protection Easement/Open Space Tracts.
 - c. Clearing for homes shall be restricted to only take place on a lot by lot basis.
 - d. Twelve-inch caliper evergreens at four-foot dbh shall not be removed when located within 10 feet of the Sahalee boundary.

Note: The above clearing restrictions are intended to address potential stress that may occur to trees on and off site due to increased exposure to winds associated with development of undeveloped wooded sites.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of September, 1998 to the parties and interested persons shown on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or October 12, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before October 19, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 3, 1998 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. S89P0010 – STERLINGWOOD:

R. S. Titus was the Hearing Examiner. Participating at the hearing were Kim Claussen and Peter Dye, representing the County; David Halinen, Bruce Knowlton, Michael Matheson, Jane Shaw, Paul Schmidt, Marilyn Fogelquist, and Dave Kamp.

The following exhibits were offered and entered into the hearing record:

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|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services File No. S89P0010 |
| Exhibit No. 2 | Department of Development and Environmental Services preliminary report, dated September 3, 1998 |
| Exhibit No. 3 | Application dated February 21, 1989 |
| Exhibit No. 4 | Environmental Checklist dated February 21, 1989 |
| Exhibit No. 5 | Mitigated Declaration of Nonsignificance dated June 9, 1998 |
| Exhibit No. 6 | Affidavit of Posting indicating August 4, 1998, as date of posting and August 7, 1998, as the date the affidavit was received by the Department of Development and Environmental Service |
| Exhibit No. 7 | Preliminary plat drawing dated July 8, 1997 |
| Exhibit No. 8 | Land use map 540 E/W and 535 E |
| Exhibit No. 9 | Assessors maps NW & NE29-25-6,, SW & SE 20-25-6 |
| Exhibit No. 10 | Timberline Ridge S058602 |
| | A. Draft Environmental Impact Statement dated December 1988 |
| | B. Final Environmental Impact Statement dated September 1990 Volume 1 |

	C. Final Environmental Impact Statement dated September 1990 Volume 2: Technical Appendices
	D. Final Environmental Impact Statement dated September 1990 Volume 3: Comment letters and responses
	E. Addendum to Environmental Impact Statement dated August 1992
Exhibit No. 11	Letter dated August 25, 1998, from Robert Josephson (WSDOT) to Aileen Zavaless, Chaffey Corporation
Exhibit No. 12	Request for Variance (BALD File No. S91V0039) dated March 24, 1992
Exhibit No. 13	Level 1 Drainage Analysis dated June 24, 1993 prepared by Triad Associates
Exhibit No. 14	Timberlake Ridge Technical Information Report dated May 24, 1993 (with revisions through July 27, 1994)
Exhibit No. 15	Water Quality and Water Quantity Report dated November 24, 1997, prepared by Associated Earth Sciences
Exhibit No. 16	Sterlingwood Water Quality and Quantity Report dated June 11, 1997, prepared by Beak Associates
Exhibit No. 17A	Wetland Assessment of the Sterlingwood Parcel dated March 4, 1991, prepared by Raedeke Associates
Exhibit No. 17B	Addendum Wetland Assessment of the Sterlingwood Parcel dated June 25, 1991, prepared by Raedeke Associates
Exhibit No. 18A.	Plant and Animal Communities dated May 25, 1993, prepared by Raedeke Associates, Inc.
Exhibit No. 18B.	Wildlife Addendum Summary Letter dated June 12, 1997, from Raedeke Associates, Inc.
Exhibit No. 19A	Traffic Impact Analysis dated February 1991 prepared by David I. Hamlin & Associates
Exhibit No. 19B	Traffic Impact Analysis Addendum dated June 1997 prepared by Hamlin & Associates
Exhibit No. 20	Applicant Chaffey Corporation's Requested Modifications to Conditions, Annotated
Exhibit No. 21A	Cover Sheet of Technical Information Report, July 27, 1994 revision with attached discussion on 100-year flood plain
Exhibit No. 21B	Road and Storm Drainage Plan, June 13, 1997
Exhibit No. 22	Cover sheet, King County Road Standards 1987, and copy of page 5
Exhibit No. 23A	Road Standards Variance Request dated September 2, 1998
Exhibit No. 23B	Intersection drawing
Exhibit No. 24	Letter agreement dated January 7, 1993 between Joel Haggard for Burnstead Construction, and David Lawyer for Sahalee Maintenance Association to Robert E. Beaty, Deputy King County Hearing Examiner
Exhibit No. 25A	DDES preliminary report to the Hearing Examiner dated September 8, 1992, for DDES Files No. S058602, S91V0031, and L91SH034
Exhibit No. 25B	Report and Recommendation to the King County Council dated November 20, 1992
Exhibit No. 25C	Revised Report and Recommendation
Exhibit No. 25D	Ordinance No. 10782

Sterlingwood/S89P0010

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Attachment
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